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**INTER-OFFICE COMMUNICATION  
SUFFOLK COUNTY DISTRICT ATTORNEY'S OFFICE**

**TO:** Robert V. Kearon, Division Chief  
**FROM:** Thomas J. Spota, District Attorney  
**SUBJECT:** IAB case # 99-41  
**DATE:** 09/30/02

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Dear Bob,

I have reviewed the file regarding IAB case # 99-41 regarding complainant Guy Malone.

To put it mildly the entire file is based upon nothing other than innuendos and baseless accusations concerning Detective Lieutenant Burke and Heather Malone.

It appears on June 21, 1999 then Inspector Robilotto sent an Interoffice Memorandum to the District Attorneys Office (T. Michael Conlon, Bureau Chief of the Public Integrity Bureau). The memorandum indicated that IAB had exhausted every available line of inquiry and could not substantiate administrative charges.

Then Inspector Robilotto, in a blatant attempt to use the District Attorney's Office to investigate Detective Lieutenant Burke for potential criminal charges, requested the intervention of this office. He assigned Lieutenant Desposito as the Internal Affairs liaison to assist in the criminal investigation.

On May 21, 2002 Jeremy Scileppi wrote to Internal Affairs whose correspondence (Attachment 14) is self-explanatory. I believe we should return this file with a letter indicating the investigation was conducted with the clear intent to attempt in any way possible to destroy the career of Detective Lieutenant Burke and merits no further action of any kind.

Please keep this file of confidential nature and do not disclose its contents to anybody else in this office.

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THOMAS J. SPOTA

TJS/czs